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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Albania, Andorra, Australia, Austria, Benin, Bulgaria, Canada, Chile, Czech Republic, France, Gabon, Hungary, Iceland, Liechtenstein, Luxembourg, Malawi, Panama, Portugal, Romania, Slovenia, Spain and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the Convention on the Prevention and the Punishment of the Crime of Genocide 3/ and other applicable human rights and humanitarian law standards,

Recalling its resolution 49/206 of 23 December 1994 and Commission on Human Rights resolution 1995/91 of 8 March 1995, 4/ in which the Commission renewed the mandate of the Special Rapporteur to investigate the human rights situation in Rwanda,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 260 A (III).

4/ Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity, recalling the efforts to restore the rule of law and reconstruct the civil administration and the social, legal and human rights infrastructure, and noting that these efforts are hampered by a lack of resources,

Noting the concerns of the Special Rapporteur as set out in his report of 28 June 1995, 5/ that the human rights situation is exacerbated by the insufficient system for the administration of justice, characterized by a shortage of both human and material means,

Noting with concern the threats and violence against the physical integrity of individuals, including forced disappearances and torture, and the occurrence of arrest, detention and treatment and conditions of detention and executions that do not conform to international standards, as set out in the report of the Special Rapporteur of 28 June 1995,

Expressing its grave concern at the tragedy of Kibeho in April 1995, and recalling the conclusions of the International Commission of Inquiry in its report of 18 May 1995,

Recalling the obligations of all States to punish all persons who commit or authorize genocide or other grave violations of international humanitarian law or those who are responsible for grave violations of human rights and, pursuant to Security Council resolution 978 (1995) of 27 February 1995, to exert every effort, without delay, to bring those responsible to justice in accordance with international principles of due process, and to honour their obligations under international law in this regard, particularly under the Convention on the Prevention and Punishment of the Crime of Genocide,

Welcoming the measures taken by the United Nations High Commissioner for Human Rights to put in place the human rights field operation in Rwanda and to coordinate its activities with the Special Representative of the Secretary-General, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Assistance Mission for Rwanda, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, the Department of Humanitarian Affairs of the Secretariat, and other United Nations agencies and intergovernmental and non-governmental organizations, and the International Committee of the Red Cross,

Deeply concerned by the reports of the Special Rapporteur and the United Nations High Commissioner for Human Rights on the human rights field operation in Rwanda that genocide and systematic, widespread and flagrant violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

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5/ A/50/709-S/1995/915, annex III.

Welcoming the policy of the Government of Rwanda to facilitate the process of voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the Cairo Declaration on the Great Lakes Region of 29 November 1995,

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes Region, and supporting initiatives of the Secretary-General in this regard, particularly implementing the Cairo Declaration on the Great Lakes Region, and continuing consultations with the aim of convening a conference on security, stability and development in the Great Lakes Region, as appropriate,

Recalling Security Council resolution 997 (1995) of 9 June 1995, in which the Council renewed the mandate of the United Nations Assistance Mission for Rwanda to assist the Government of Rwanda in facilitating the voluntary and safe return of refugees, their reintegration in their home communities and, to that end, support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust, to provide security and support for the distribution of relief supplies and humanitarian relief operations, to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, and to assist in the training of an integrated police force,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all personnel attached to the United Nations Assistance Mission for Rwanda, United Nations agencies and humanitarian organizations operating in the country,

Recognizing the important role played by non-governmental organizations in providing humanitarian assistance and contributing to the reconstruction and rehabilitation of Rwanda,

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda and that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda, 6/ and recalls the reports of the Special Rapporteur of the Commission on Human Rights on violations committed during the tragedy in Rwanda and on the current situation of human rights in Rwanda; 7/

6/ A/50/743, annex.

7/ A/50/709-S/1995/915, annexes I-III.

2. Condemns in the strongest terms the acts of genocide, violations of international humanitarian law and all violations and abuses of human rights that occurred during the tragedy in Rwanda, especially following the events of 6 April 1994, and which resulted in a massive loss of human life, up to one million people;

3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them;

4. Also condemns the killing of personnel attached to the United Nations Assistance Mission for Rwanda, United Nations agencies and humanitarian organizations operating in the country, including Rwandan personnel working with them;

5. Calls upon the Government of Rwanda to take all necessary measures to ensure the safety and security of all personnel attached to the United Nations Assistance Mission for Rwanda, United Nations agencies and humanitarian organizations operating in the country;

6. Reaffirms that all persons who commit or authorize genocide or other grave violations of international humanitarian law or those who are responsible for grave violations of human rights are individually responsible and accountable for those violations;

7. Urges all States, pursuant to Security Council resolution 978 (1995), to exert, without delay, every effort, including arrest and detention, in order to bring those responsible to justice in accordance with international principles of due process, and also urges States to honour their obligations under international law in this regard, particularly under the Convention on the Prevention and Punishment of the Crime of Genocide;

8. Recognizes that effective action must be taken by all States concerned to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice, and urges all States concerned to cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations contained in Security Council resolutions 955 (1994) and 978 (1995), and to intensify efforts for the effective functioning of the International Tribunal without delay;

9. Commends the efforts of the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, by ensuring human rights monitoring, a comprehensive programme of human rights assistance and confidence-building measures form integral parts of Rwandan and United Nations efforts aimed at conflict prevention and peace-building in Rwanda, drawing as appropriate on the expertise and capacities of all parts of

the United Nations system, thus contributing to the promotion and protection of human rights in Rwanda;

10. Encourages the Government of Rwanda, in a spirit of national reconciliation, to intensify efforts to protect and promote respect for human rights and fundamental freedoms and to create an environment conducive to the realization of civil, political, economic, social and cultural rights, and the voluntary and safe return of refugees to their homes;

11. Takes note with concern of the findings of the Special Rapporteur as set out in his report of 28 June 1995, and of the Human Rights Field Operation in Rwanda, that the human rights situation is exacerbated by the insufficient system for the administration of justice, characterized by a shortage of both human and material means;

12. Notes with deep concern the threats and violence against the physical integrity of individuals, including forced disappearances and torture, and the occurrence of arrest, detention and treatment and conditions of detention and executions that do not conform to international standards, as set out in the report of the Special Rapporteur in his report of 28 June 1995;

13. Condemns the mass killings of civilians at Kibeho in April 1995, recalls the conclusions of the International Commission of Inquiry in its report of 18 May 1995, and expresses its grave concern at the events in Kanama in September 1995;

14. Welcomes the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, encourages the Government to intensify its efforts, with the assistance of the international community, the Human Rights Field Operation in Rwanda and other United Nations bodies, to expedite the processing of cases, to ensure conditions and treatment in detention in conformity with international standards, and to train civilian police on the legal procedures governing arrest and detention, and notes that efforts in this regard are hampered by a lack of human and financial resources;

15. Invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to continue and intensify their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, particularly in the areas of the administration of justice, and welcomes the contributions made, including those at the Round Table Conference at Geneva and its mid-term review, and urges States and donor agencies to fulfil their earlier commitments;

16. Condemns all violence and intimidation against persons in the refugee camps in neighbouring countries, calls upon the appropriate authorities to ensure security in such camps, and welcomes the commitments undertaken by the Governments in the region in the Cairo Declaration on the Great Lakes Region of 29 November 1995;

17. Urges Governments in the region to take measures to prevent their territory from being used to pursue a strategy of destabilization of Rwanda, and, in this regard, urges all States concerned to cooperate fully with the International Commission of Inquiry established by the Security Council in its resolution 1013 (1995) of 7 September 1995;

18. Welcomes the joint efforts of the Government of Rwanda, neighbouring countries and the United Nations High Commissioner for Refugees to assist the voluntary and safe return of refugees through, inter alia, the work of the Tripartite Commission and the agreements reached in Nairobi in January 1995, Bujumbura in February 1995 and Cairo in November 1995, and welcomes also the efforts of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Assistance Mission for Rwanda and the United Nations Development Programme to coordinate their efforts to ensure protection of the human rights of refugees during their return, resettlement and reintegration;

19. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, which has as its objective:

(a) The investigation of violations of human rights and humanitarian law, including acts of genocide and crimes against humanity;

(b) The monitoring of the human rights situation and the prevention of future violations;

(c) Cooperation with other international agencies in re-establishing confidence and thus facilitating the voluntary return and resettlement of refugees and displaced persons;

(d) The rebuilding of civil society, through programmes of human rights education and technical cooperation, particularly in the areas of the administration of justice and conditions of arrest, detention and treatment in detention, and through programmes of cooperation with Rwandan human rights organizations,

and requests the High Commissioner to report regularly on all of these activities of the Field Operation and to cooperate and share information with the Special Rapporteur in order to assist him in fulfilling his mandate;

20. Welcomes the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Human Rights Field Operation in Rwanda and the Special Rapporteur and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country;

21. Requests the Secretary-General to take appropriate steps to ensure adequate financial and human resources and logistical support for the Human Rights Field Operation in Rwanda, taking into account the need to deploy a sufficient number of human rights field officers and the need for programmes of

technical assistance and advisory services, to the Government of Rwanda and Rwandan human rights organizations, especially in the field of the administration of justice;

22. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-second session and to the General Assembly at its fifty-first session.